

FIRST REGULAR SESSION

# SENATE BILL NO. 522

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STOUFFER.

Read 1st time February 25, 2009, and ordered printed.

2214S.011

TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 302.545, 302.700, 302.735, 302.755, 302.775, and 311.326, RSMo, and to enact in lieu thereof six new sections relating to the sole purpose of regulating commercial drivers' licenses, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 302.545, 302.700, 302.735, 302.755, 302.775, and  
2 311.326, RSMo, are repealed and six new sections enacted in lieu thereof, to be  
3 known as sections 302.545, 302.700, 302.735, 302.755, 302.775, and 311.326, to  
4 read as follows:

302.545. 1. Any person who is less than twenty-one years of age and  
2 whose driving privilege has been suspended or revoked, for a first determination  
3 under sections 302.500 to 302.540, that such person was driving with  
4 two-hundredths of one percent of blood alcohol content, shall have all official  
5 records and all recordations maintained by the department of revenue of such  
6 suspension or revocation expunged two years after the date of such suspension  
7 or revocation, or when such person attains the age of twenty-one, whichever date  
8 first occurs. Such expungement shall be performed by the department of revenue  
9 without need of a court order. No records shall be expunged if the person was  
10 found guilty or pled guilty to operating a commercial motor vehicle, as defined in  
11 section 302.700, **or if the person was holding a commercial driver's**  
12 **license at the time of the offense**, with a blood alcohol content of at least  
13 four-hundredths of one percent.

14 2. The provisions of this section shall not apply to any person whose

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 license is suspended or revoked for a second or subsequent time pursuant to  
16 subsection 1 of this section or who is convicted of any alcohol-related driving  
17 offense before the age of twenty-one including, but not limited to:

18 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

19 (2) Driving with excessive blood alcohol content pursuant to section  
20 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform  
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and  
4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but  
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one  
8 hundred milliliters of blood or the number of grams of alcohol per two hundred  
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters  
10 of urine;

11 (3) "Commercial driver's instruction permit", a permit issued pursuant to  
12 section 302.720;

13 (4) "Commercial driver's license", a license issued by this state to an  
14 individual which authorizes the individual to operate a commercial motor vehicle;

15 (5) "Commercial driver's license information system", the information  
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986  
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information  
18 related to the licensing and identification of commercial motor vehicle drivers;

19 (6) "Commercial motor vehicle", a motor vehicle designed or used to  
20 transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating of twenty-six  
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle  
23 weight rating of ten thousand one pounds or more;

24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand  
25 one or more pounds or such lesser rating as determined by federal regulation;

26 (c) If the vehicle is designed to transport sixteen or more passengers,  
27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to  
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801  
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section  
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all  
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be  
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of  
36 guilt and nolo contendere, or a determination that a person has violated or failed  
37 to comply with the law in a court of original jurisdiction or an authorized  
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited  
39 to secure the person's appearance in court, the payment of a fine or court cost, or  
40 violation of a condition of release without bail, regardless of whether the penalty  
41 is rebated, suspended or prorated, **including an offense for failure to appear**  
42 **or pay;**

43 (9) "Director", the director of revenue or his authorized representative;

44 (10) "Disqualification", any of the following three actions:

45 (a) The suspension, revocation, or cancellation of a commercial driver's  
46 license;

47 (b) Any withdrawal of a person's privileges to drive a commercial motor  
48 vehicle by a state as the result of a violation of federal, state, county, municipal,  
49 or local law relating to motor vehicle traffic control or violations committed  
50 through the operation of motor vehicles, other than parking, vehicle weight, or  
51 vehicle defect violations;

52 (c) A determination by the Federal Motor Carrier Safety Administration  
53 that a person is not qualified to operate a commercial motor vehicle under 49  
54 CFR Part 383.52 or Part 391;

55 (11) "Drive", to drive, operate or be in physical control of a commercial  
56 motor vehicle;

57 (12) "Driver", any person who drives, operates, or is in physical control of  
58 a motor vehicle, or who is required to hold a commercial driver's license;

59 (13) "Driving under the influence of alcohol", the commission of any one  
60 or more of the following acts:

61 (a) Driving a commercial motor vehicle with the alcohol concentration of  
62 four one-hundredths of a percent or more as prescribed by the secretary or such  
63 other alcohol concentration as may be later determined by the secretary by  
64 regulation;

65 (b) Driving a commercial or noncommercial motor vehicle while  
66 intoxicated in violation of any federal or state law, or in violation of a county or

67 municipal ordinance;

68 (c) Driving a commercial or noncommercial motor vehicle with excessive  
69 blood alcohol content in violation of any federal or state law, or in violation of a  
70 county or municipal ordinance;

71 (d) Refusing to submit to a chemical test in violation of section 577.041,  
72 RSMo, section 302.750, any federal or state law, or a county or municipal  
73 ordinance; or

74 (e) Having any state, county or municipal alcohol-related enforcement  
75 contact, as defined in subsection 3 of section 302.525; provided that any  
76 suspension or revocation pursuant to section 302.505, committed in a  
77 noncommercial motor vehicle by an individual twenty-one years of age or older  
78 shall have been committed by the person with an alcohol concentration of at least  
79 eight-hundredths of one percent or more, or in the case of an individual who is  
80 less than twenty-one years of age, shall have been committed by the person with  
81 an alcohol concentration of at least two-hundredths of one percent or more, and  
82 if committed in a commercial motor vehicle, a concentration of four-hundredths  
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the  
85 commission of any one or more of the following acts in a commercial or  
86 noncommercial motor vehicle:

87 (a) Driving a commercial or noncommercial motor vehicle while under the  
88 influence of any substance so classified under Section 102(6) of the Controlled  
89 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I  
90 through V of 21 CFR Part 1308, as they may be revised from time to time;

91 (b) Driving a commercial or noncommercial motor vehicle while in a  
92 drugged condition in violation of any federal or state law or in violation of a  
93 county or municipal ordinance; or

94 (c) Refusing to submit to a chemical test in violation of section 577.041,  
95 RSMo, section 302.750, any federal or state law, or a county or municipal  
96 ordinance;

97 (15) "Employer", any person, including the United States, a state, or a  
98 political subdivision of a state, who owns or leases a commercial motor vehicle or  
99 assigns a driver to operate such a vehicle;

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated  
101 by a farmer used exclusively for the transportation of agricultural products, farm  
102 machinery, farm supplies, or a combination of these, within one hundred fifty

103 miles of the farm, other than one which requires placarding for hazardous  
104 materials as defined in this section, or used in the operation of a common or  
105 contract motor carrier, except that a farm vehicle shall not be a commercial motor  
106 vehicle when the total combined gross weight rating does not exceed twenty-six  
107 thousand one pounds when transporting fertilizers as defined in subdivision (21)  
108 of this subsection;

109 (17) "Fatality", the death of a person as a result of a motor vehicle  
110 accident;

111 (18) "Felony", any offense under state or federal law that is punishable by  
112 death or imprisonment for a term exceeding one year;

113 (19) "Gross combination weight rating" or "GCWR", the value specified by  
114 the manufacturer as the loaded weight of a combination (articulated) vehicle. In  
115 the absence of a value specified by the manufacturer, GCWR will be determined  
116 by adding the GVWR of the power unit and the total weight of the towed unit and  
117 any load thereon;

118 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the  
119 manufacturer as the loaded weight of a single vehicle;

120 (21) "Hazardous materials", [hazardous materials as specified in Section  
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et  
122 seq.). Fertilizers, including but not limited to ammonium nitrate, phosphate,  
123 nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not  
124 be considered hazardous materials when transported by a farm vehicle provided  
125 all other provisions of this definition are followed] **any material that has been**  
126 **designated as hazardous under 49 U.S.C. 5103 and is required to be**  
127 **placarded under subpart F of CFR part 172 or any quantity of a**  
128 **material listed as a select agent or toxin in 42 CFR part 73;**

129 (22) "Imminent hazard", the existence of a condition that presents a  
130 substantial likelihood that death, serious illness, severe personal injury, or a  
131 substantial endangerment to health, property, or the environment may occur  
132 before the reasonably foreseeable completion date of a formal proceeding begins  
133 to lessen the risk of that death, illness, injury, or endangerment;

134 (23) "Issuance", the initial licensure, license transfers, license renewals,  
135 and license upgrades;

136 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively  
137 upon tracks;

138 (25) "Noncommercial motor vehicle", a motor vehicle or combination of

139 motor vehicles not defined by the term "commercial motor vehicle" in this section;

140           (26) "Out of service", a temporary prohibition against the operation of a  
141 commercial motor vehicle by a particular driver, or the operation of a particular  
142 commercial motor vehicle, or the operation of a particular motor carrier;

143           (27) "Out-of-service order", a declaration by the Federal Highway  
144 Administration, or any authorized enforcement officer of a federal, state,  
145 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that  
146 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of  
147 service;

148           (28) "School bus", a commercial motor vehicle used to transport  
149 preprimary, primary, or secondary school students from home to school, from  
150 school to home, or to and from school-sponsored events. School bus does not  
151 include a bus used as a common carrier as defined by the Secretary;

152           (29) "Secretary", the Secretary of Transportation of the United States;

153           (30) "Serious traffic violation", driving a commercial motor vehicle in such  
154 a manner that the driver receives a conviction for the following offenses or driving  
155 a noncommercial motor vehicle when the driver receives a conviction for the  
156 following offenses and the conviction results in the suspension or revocation of  
157 the driver's license or noncommercial motor vehicle driving privilege:

158           (a) Excessive speeding, as defined by the Secretary by regulation;

159           (b) Careless, reckless or imprudent driving which includes, but shall not  
160 be limited to, any violation of section 304.016, RSMo, any violation of section  
161 304.010, RSMo, or any other violation of federal or state law, or any county or  
162 municipal ordinance while driving a commercial motor vehicle in a willful or  
163 wanton disregard for the safety of persons or property, or improper or erratic  
164 traffic lane changes, or following the vehicle ahead too closely, but shall not  
165 include careless and imprudent driving by excessive speed;

166           (c) A violation of any federal or state law or county or municipal ordinance  
167 regulating the operation of motor vehicles arising out of an accident or collision  
168 which resulted in death to any person, other than a parking violation;

169           (d) Driving a commercial motor vehicle without obtaining a commercial  
170 driver's license in violation of any federal or state or county or municipal  
171 ordinance;

172           (e) Driving a commercial motor vehicle without a commercial driver's  
173 license in the driver's possession in violation of any federal or state or county or  
174 municipal ordinance. Any individual who provides proof to the court which has

175 jurisdiction over the issued citation that the individual held a valid commercial  
176 driver's license on the date that the citation was issued shall not be guilty of this  
177 offense;

178 (f) Driving a commercial motor vehicle without the proper commercial  
179 driver's license class or endorsement for the specific vehicle group being operated  
180 or for the passengers or type of cargo being transported in violation of any federal  
181 or state law or county or municipal ordinance; or

182 (g) Any other violation of a federal or state law or county or municipal  
183 ordinance regulating the operation of motor vehicles, other than a parking  
184 violation, as prescribed by the secretary by regulation;

185 (31) "State", a state, territory or possession of the United States, the  
186 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province  
187 of Canada;

188 (32) "United States", the fifty states and the District of Columbia.

302.735. 1. An application shall not be taken from a nonresident after  
2 September 30, 2005. The application for a commercial driver's license shall  
3 include, but not be limited to, the applicant's legal name, mailing and residence  
4 address, if different, a physical description of the person, including sex, height,  
5 weight and eye color, the person's Social Security number, date of birth and any  
6 other information deemed appropriate by the director. The application shall also  
7 require, beginning September 30, 2005, the applicant to provide the names of all  
8 states where the applicant has been previously licensed to drive any type of motor  
9 vehicle during the preceding ten years.

10 2. A commercial driver's license shall expire on the applicant's birthday  
11 in the sixth year after issuance, unless the license must be issued for a shorter  
12 period due to other requirements of law or for transition or staggering of work as  
13 determined by the director, and must be renewed on or before the date of  
14 expiration. When a person changes such person's name an application for a  
15 duplicate license shall be made to the director of revenue. When a person  
16 changes such person's mailing address or residence the applicant shall notify the  
17 director of revenue of said change, however, no application for a duplicate license  
18 is required. A commercial license issued pursuant to this section to an applicant  
19 less than twenty-one years of age and seventy years of age and older shall expire  
20 on the applicant's birthday in the third year after issuance, unless the license  
21 must be issued for a shorter period as determined by the director.

22 3. A commercial driver's license containing a hazardous materials

23 endorsement issued to an applicant who is between the age of twenty-one and  
24 sixty-nine shall not be issued for a period exceeding five years from the approval  
25 date of the security threat assessment as determined by the Transportation  
26 Security Administration.

27 4. The director shall issue an annual commercial driver's license  
28 containing a school bus endorsement to an applicant who is seventy years of age  
29 or older. The fee for such license shall be seven dollars and fifty cents.

30 5. A commercial driver's license containing a hazardous materials  
31 endorsement issued to an applicant who is seventy years of age or older shall not  
32 be issued for a period exceeding three years. The director shall not require such  
33 drivers to obtain a security threat assessment more frequently than such  
34 assessment is required by the Transportation Security Administration under the  
35 Uniting and Strengthening America by Providing Appropriate Tools Required to  
36 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

37 **(1) The state shall immediately revoke a hazardous materials**  
38 **endorsement upon receipt of an initial determination of threat**  
39 **assessment and immediate revocation from the Transportation Security**  
40 **Administration as defined by 49 CFR 1572.13(a).**

41 **(2) The state shall revoke or deny a hazardous materials**  
42 **endorsement within fifteen days of receipt of a final determination of**  
43 **threat assessment from the Transportation Security Administration as**  
44 **required by CFR 1572.13(a).**

45 6. The fee for a commercial driver's license or renewal commercial driver's  
46 license issued for a period greater than three years shall be forty dollars.

47 7. The fee for a commercial driver's license or renewal commercial driver's  
48 license issued for a period of three years or less shall be twenty dollars.

49 8. The fee for a duplicate commercial driver's license shall be twenty  
50 dollars.

51 9. In order for the director to properly transition driver's license  
52 requirements under the Motor Carrier Safety Improvement Act of 1999 and the  
53 Uniting and Strengthening America by Providing Appropriate Tools Required to  
54 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director  
55 is authorized to stagger expiration dates and make adjustments for any fees,  
56 including driver examination fees that are incurred by the driver as a result of  
57 the initial issuance of a transitional license required to comply with such acts.

58 10. Within thirty days after moving to this state, the holder of a

59 commercial driver's license shall apply for a commercial driver's license in this  
60 state. The applicant shall meet all other requirements of sections 302.700 to  
61 302.780, except that the director may waive the driving test for a commercial  
62 driver's license as required in section 302.720 if the applicant for a commercial  
63 driver's license has a valid commercial driver's license from a state which has  
64 requirements for issuance of such license comparable to those in this state.

65 11. Any person who falsifies any information in an application or test for  
66 a commercial driver's license shall not be licensed to operate a commercial motor  
67 vehicle, or the person's commercial driver's license shall be canceled, for a period  
68 of one year after the director discovers such falsification.

69 12. Beginning July 1, 2005, the director shall not issue a commercial  
70 driver's license under this section unless the director verifies that the applicant  
71 is lawfully present in the United States before accepting the application. If  
72 lawful presence is granted for a temporary period, no commercial driver's license  
73 shall be issued. The director may, by rule or regulation, establish procedures to  
74 verify the lawful presence of the applicant and establish the duration of any  
75 commercial driver's license issued under this section. No rule or portion of a rule  
76 promulgated pursuant to the authority of this section shall become effective  
77 unless it has been promulgated pursuant to chapter 536, RSMo.

78 13. (1) Effective December 19, 2005, notwithstanding any provisions of  
79 subsections 1 and 5 of this section to the contrary, the director may issue a  
80 nonresident commercial driver's license to a resident of a foreign jurisdiction if  
81 the United States Secretary of Transportation has determined that the  
82 commercial motor vehicle testing and licensing standards in the foreign  
83 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

84 (2) Any applicant for a nonresident commercial driver's license must  
85 present evidence satisfactory to the director that the applicant currently has  
86 employment with an employer in this state. The nonresident applicant must  
87 meet the same testing, driver record requirements, conditions, and is subject to  
88 the same disqualification and conviction reporting requirements applicable to  
89 resident commercial drivers.

90 (3) The nonresident commercial driver's license will expire on the same  
91 date that the documents establishing lawful presence for employment expire. The  
92 word "nonresident" shall appear on the face of the nonresident commercial  
93 driver's license. Any applicant for a Missouri nonresident commercial driver's  
94 license must first surrender any nonresident commercial driver's license issued

95 by another state.

96 (4) The nonresident commercial driver's license applicant must pay the  
97 same fees as required for the issuance of a resident commercial driver's license.

98 14. Foreign jurisdiction for purposes of issuing a nonresident commercial  
99 driver's license under this section shall not include any of the fifty states of the  
100 United States or Canada or Mexico.

302.755. 1. A person is disqualified from driving a commercial motor  
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled  
4 substance, **or of an alcohol-related enforcement contact as defined in**  
5 **subsection 3 of section 302.525;**

6 (2) Driving a commercial motor vehicle which causes a fatality through  
7 the negligent operation of the commercial motor vehicle, including but not limited  
8 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent  
9 homicide;

10 (3) Driving a commercial motor vehicle while revoked pursuant to section  
11 302.727;

12 (4) Leaving the scene of an accident involving a commercial or  
13 noncommercial motor vehicle operated by the person;

14 (5) Using a commercial or noncommercial motor vehicle in the commission  
15 of any felony, as defined in section 302.700, except a felony as provided in  
16 subsection 4 of this section.

17 2. If any of the violations described in subsection 1 of this section occur  
18 while transporting a hazardous material the person is disqualified for a period  
19 of not less than three years.

20 3. Any person is disqualified from operating a commercial motor vehicle  
21 for life if convicted of two or more violations of any of the offenses specified in  
22 subsection 1 of this section, or any combination of those offenses, arising from two  
23 or more separate incidents. The director may issue rules and regulations, in  
24 accordance with guidelines established by the secretary, under which a  
25 disqualification for life under this section may be reduced to a period of not less  
26 than ten years.

27 4. Any person is disqualified from driving a commercial motor vehicle for  
28 life who uses a commercial or noncommercial motor vehicle in the commission of  
29 any felony involving the manufacture, distribution, or dispensing of a controlled  
30 substance, or possession with intent to manufacture, distribute, or dispense a

31 controlled substance.

32           5. Any person is disqualified from operating a commercial motor vehicle  
33 for a period of not less than sixty days if convicted of two serious traffic violations  
34 or one hundred twenty days if convicted of three serious traffic violations, arising  
35 from separate incidents occurring within a three-year period.

36           6. Any person found to be operating a commercial motor vehicle while  
37 having any measurable alcohol concentration shall immediately be issued a  
38 continuous twenty-four-hour out-of-service order by a law enforcement officer in  
39 this state.

40           7. Any person who is convicted of operating a commercial motor vehicle  
41 beginning at the time of issuance of the out-of-service order until its expiration  
42 is guilty of a class A misdemeanor.

43           8. Any person convicted for the first time of driving while out of service  
44 shall be disqualified from driving a commercial motor vehicle [for a period of  
45 ninety days] **in the manner prescribed in 49 CFR Part 383, or as amended**  
46 **by the Secretary.**

47           9. Any person convicted of driving while out of service on a second  
48 occasion during any ten-year period, involving separate incidents, shall be  
49 disqualified [for a period of one year] **in the manner prescribed in 49 CFR**  
50 **Part 383, or as amended by the Secretary.**

51           10. Any person convicted of driving while out of service on a third or  
52 subsequent occasion during any ten-year period, involving separate incidents,  
53 shall be disqualified for a period of three years.

54           11. Any person convicted of a first violation of an out-of-service order  
55 while transporting hazardous materials or while operating a motor vehicle  
56 designed to transport sixteen or more passengers, including the driver, is  
57 disqualified for a period of one hundred eighty days.

58           12. Any person convicted of any subsequent violation of an out-of-service  
59 order in a separate incident within ten years after a previous violation, while  
60 transporting hazardous materials or while operating a motor vehicle designed to  
61 transport fifteen passengers, including the driver, is disqualified for a period of  
62 three years.

63           13. Any person convicted of any other offense as specified by regulations  
64 promulgated by the Secretary of Transportation shall be disqualified in  
65 accordance with such regulations.

66           14. After suspending, revoking, canceling or disqualifying a driver, the

67 director shall update records to reflect such action and notify a nonresident's  
68 licensing authority and the commercial driver's license information system within  
69 ten days in the manner prescribed in 49 CFR Part 384, or as amended by the  
70 Secretary.

71 15. Any person disqualified from operating a commercial motor vehicle  
72 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial  
73 driver's license canceled, and upon conclusion of the period of disqualification  
74 shall take the written and driving tests and meet all other requirements of  
75 sections 302.700 to 302.780. Such disqualification and cancellation shall not be  
76 withdrawn by the director until such person reapplies for a commercial driver's  
77 license in this or any other state after meeting all requirements of sections  
78 302.700 to 302.780.

79 16. The director shall disqualify a driver upon receipt of notification that  
80 the Secretary has determined a driver to be an imminent hazard pursuant to 49  
81 CFR, Part 383.52. Due process of a disqualification determined by the Secretary  
82 pursuant to this section shall be held in accordance with regulations promulgated  
83 by the Secretary. The period of disqualification determined by the Secretary  
84 pursuant to this section shall be served concurrently to any other period of  
85 disqualification which may be imposed by the director pursuant to this  
86 section. Both disqualifications shall appear on the driving record of the driver.

87 **17. The director shall disqualify a commercial license holder or**  
88 **operator of a commercial vehicle from operation of any commercial**  
89 **motor vehicle upon receipt of a conviction for an offense of failure to**  
90 **appear or pay, and such disqualification shall remain in effect until the**  
91 **director receives notice that the person has complied with the**  
92 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

2 (1) Any person driving a farm vehicle as defined in section 302.700 **which**  
3 **is:**

4 **(a) Controlled and operated by a farmer, including operation by**  
5 **employees or family members;**

6 **(b) Used to transport agricultural products, farm machinery,**  
7 **farm supplies, or both, to or from a farm;**

8 **(c) Not used in the operations of a common or contract motor**  
9 **carrier; and**

10 **(d) Used within two hundred forty-one kilometers or one**

11 **hundred fifty miles of the farmer's farm;**

12 (2) Any active duty military personnel, members of the reserves and  
13 national guard on active duty, including personnel on full-time national guard  
14 duty, personnel on part-time training and national guard military technicians,  
15 while driving [military] vehicles for military purposes;

16 (3) Any person who drives emergency or fire equipment necessary to the  
17 preservation of life or property or the execution of emergency governmental  
18 functions under emergency conditions;

19 (4) Any person qualified to operate the equipment under subdivision (3)  
20 of this section when operating such equipment in other functions such as parades,  
21 special events, repair, service or other authorized movements;

22 (5) Any person driving or pulling a recreational vehicle, as defined in  
23 sections 301.010 and 700.010, RSMo, for personal use; and

24 (6) Any other class of persons exempted by rule or regulation of the  
25 director, which rule or regulation is in compliance with the Commercial Motor  
26 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that  
27 act.

311.326. After a period of not less than one year, or upon reaching the age  
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has  
3 been found guilty of violating section 311.325 for the first time, and who since  
4 such conviction has not been convicted of any other alcohol-related offense, may  
5 apply to the court in which he or she was sentenced for an order to expunge all  
6 official records of his or her arrest, plea, trial and conviction. **No records shall**  
7 **be expunged if the person who has plead guilty to or has been found**  
8 **guilty of violating section 311.325 is licensed as a commercial motor**  
9 **vehicle driver or was operating a commercial motor vehicle as defined**  
10 **in section 302.700, RSMo, at the time of the violation.** If the court  
11 determines, upon review, that such person has not been convicted of any other  
12 alcohol-related offense at the time of the application for expungement, and the  
13 person has had no other alcohol-related enforcement contacts, as defined in  
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect  
15 of such an order shall be to restore such person to the status he or she occupied  
16 prior to such arrest, plea or conviction, as if such event had never happened. No  
17 person as to whom such order has been entered shall be held thereafter under  
18 any provision of any law to be guilty of perjury or otherwise giving a false  
19 statement by reason of his or her failure to recite or acknowledge such arrest,

20 plea, trial, conviction or expungement in response to any inquiry made of him or  
21 her for any purpose whatsoever. A person shall be entitled to only one  
22 expungement pursuant to this section. Nothing contained in this section shall  
23 prevent courts or other state officials from maintaining such records as are  
24 necessary to ensure that an individual receives only one expungement pursuant  
25 to this section.

✓

Unofficial

Bill

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